

b.) Remarks

Claims 1 and 5 have been amended in order to recite the present invention with the specificity required by statute. The subject matter of the amendment may be found in prior claims 7 and 9. Additionally, claims 10 and 14 are amended to maintain their dependency and new claims 15 and 16 are presented in order to more specifically recite various preferred embodiments of the present invention. No new matter has been added.

Claims 11-14 stand rejected under 35 U.S.C. §112 second paragraph, as indefinite for the reasons noted. This rejection is mooted by the above amendment.

Claim 1 is rejected under 35 U.S.C. §102(b) as anticipated by JP 9104621. Additionally, claims 1-4, 7, 8 and 10-14 are rejected as anticipated by Leal et al. and claims 5 and 6 are rejected as anticipated by Sha U.S. Patent No. 4,047,866. In this regard, the Examiner confirms claim 9 recites patentable subject matter.

This rejection is respectfully traversed. However, in view of the Examiner's indication that claim 9 is allowable, Applicants have amended claims 1 and 5 to recite the subject matter which is unobvious over the prior art.

The Examiner's assistance in expediting the prosecution of this application by examining separately the subject matter of Applicants' dependent claims is gratefully acknowledged.

As to claims 15 and 16, the present invention is also a method for stabilizing the active substance wherein the active substance is adversely affected by a lubricant when compressed in a form of a mixture of the active substance and the lubricant. In the claims, the mixture is pressed to form an externally lubricated tablet using punches and dies on which lubricant powder is applied in advance.

In contrast, the prior art does not teach or suggest to select a combination of


lubricant and active substance which is adversely affected when compressed, or stabilizing the active substance in such a mixture.

In view of the above amendments and remarks, Applicants submit that all of the Examiner's concerns are now overcome and the claims are now in allowable condition. Accordingly, reconsideration and allowance of this application is earnestly solicited.

Claims 1, 5, 6, 10 and 14-16 remain presented for continued prosecution.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
Attorney for Applicants  
Lawrence S. Perry  
Registration No. 31,865

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

NY\_MAIN 382673v1